

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA,

Plaintiff,

v.

JESUS CARO LOPEZ,

Defendant.

:
:
:
:
:
:
:
:
:
:
:

CASE NO. 1:17-cr-00269-1

ORDER
[Resolving Doc. 302]

JAMES S. GWIN, UNITED STATES DISTRICT COURT JUDGE:

Defendant Jesus Caro Lopez moves for a sentence reduction under 18 U.S.C. § 3582(c)(2) and U.S. Sentencing Guidelines Amendment 821, Part B.¹ Amendment 821, Part B reduces a defendant's offense level by two if the defendant received no criminal history points and meets other criteria.²

Although Amendment 821 applies retroactively, a district court may not modify a defendant's sentence unless the defendant is eligible under U.S. Sentencing Guidelines § 1B1.10.³ And under § 1B1.10(a)(2)(B), a defendant is not eligible if applying the retroactive amendment does not lower the defendant's guideline range.⁴

In this case, the Defendant Caro Lopez received six criminal history points.⁵ Defendant Caro Lopez is not eligible for a two-level reduction under Amendment 821, Part B. In turn, Defendant Caro Lopez is not eligible for a sentence reduction under § 3582(c)(2). The Court **DENIES** the sentence reduction motion.

¹ Doc. 302.

² Amendment 821, <https://www.ussc.gov/guidelines/amendment/821>.

³ *Dillon v. United States*, 560 U.S. 817, 827 (2010).

⁴ U.S.S.G. § 1B1.10(a)(2)(B).

⁵ Doc. 240 at ¶ 49.

Case No. 1:17-cr-00269-1
GWIN, J.

IT IS SO ORDERED.

Dated: May 31, 2024

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE